	Case 2:02-cr-00280-LRH-RJJ Document 119 Filed 03/17/08 Page 1 of 2
1	
2	
3	
4	
5	
6	UNITED STATES DISTRICT COURT
7	DISTRICT OF NEVADA
8	* * * *
9	UNITED STATES OF AMERICA,)
10) 2:02-cr-00280-LRH-RJJ Plaintiff,
11	vs. ORDER
12	PERRY FERNESE WESLEY,)
13	Defendant.
14)
15	Before the court is Defendant's Motion to Alter or Amend Order (#109¹) and Motion for
16	Summary Judgment (#111). The government has responded to Defendant's Motion for
17	Summary Judgment (#112), which the court will treat as both an opposition to the Defendant's
18	Motion to Alter or Amend Order (#109) as well as opposition to the Defendant's Motion for
19	Summary Judgment (#111). The Defendant has also filed his reply to the government's
20	response to Defendant's Motion for Summary Judgment (#113).
21	The essence of Defendant's motions is to seek a reconsideration of the court's order
22	denying his Petition for Relief Pursuant to 28 U.S.C. § 2255 (#108). The court's order followed
23	an evidentiary hearing on November 21, 2001, which was conducted to determine whether
24	Defendant instructed or otherwise alerted his counsel of a desire to file a Notice of Appeal
25	following Defendant's sentencing herein. The court carefully considered the evidence presented
26	at the hearing and issued its order denying relief to Defendant/Petitioner. In Defendant/
27	Petitioner's Motion to Alter or Amend Order, he presented no newly discovered evidence,
28	
	¹ Refers to court's docket number.

Case 2:02-cr-00280-LRH-RJJ Document 119 Filed 03/17/08 Page 2 of 2

1	identified no clear error or otherwise demonstrated that the court's judgment was manifestly
2	unjust, nor was any change in controlling law presented to the court. Petitioner has failed to
3	demonstrate any grounds in support of the relief he seeks. The essence of both motions is that
4	he seeks reconsideration of the court's Order (#108). Although no grounds have been
5	demonstrated which would support reconsideration, the court independently confirms that if it
6	were to reconsider its Order (#108), it would reconfirm the same.
7	Good cause appearing, Defendant's motions (#109 and #111) are hereby DENIED.
8	DATED this 17 th day of March, 2008.
9	Flanke
10	Ocaolico
11	LARRY R. HICKS
12	UNITED STATES DISTRICT JUDGE
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
2526	
20 27	
28	
_ U _	